

HOUSE BILL 419  
By Bunch

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 1; Title 37; Title 39, Chapter 15 and Title 63, Chapter 1, relative to children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-1-113, is amended by deleting the language "(8)" and "(9)" at the beginning, respectively, of subsections (g)(8) and (9); by redesignating those two subdivisions as subsections (h) and (i); and by redesignating the subsequent subsections accordingly.

SECTION 2. Tennessee Code Annotated, Section 36-1-102(1)(A), is amended by adding the following as a new, appropriately designated subitem:

( ) The child, aged thirty (30) days or less, was voluntarily delivered to a member of the professional medical community as defined in § 68-140-202(9) or a safety officer as defined in Section 4 of this act, by the child's parent who was entitled to possession of the child; and, for a period of thirty (30) days after the date of delivery, the parent failed to visit or seek contact with the child.

SECTION 3. Tennessee Code Annotated, Section 37-2-402(10)(A), is amended by adding the following as a new, appropriately designated subitem:

( ) The child, aged thirty (30) days or less, was voluntarily delivered to a member of the professional medical community as defined in § 68-140-202(9) or a safety officer as defined in Section 4 of this act, by the child's parent who was entitled to possession of the child; and, for a period of thirty (30) days after the date of delivery, the parent failed to visit or seek contact with the child.

SECTION 4. Tennessee Code Annotated, Section 36-1-111, is amended by adding the following as a new, appropriately designated subsection:

( )(1) Notwithstanding any other provision of law to the contrary and without complying with the surrender provisions of this part, a member of the professional medical community as defined in § 68-140-202(9) or a safety officer shall take possession of a child aged thirty (30) days or younger upon the voluntary delivery of the child by a parent who is presently entitled to possession of the child.

(2) A member of the professional medical community or a safety officer taking possession of a child under this subsection shall immediately notify the department of the taking of possession of the child. The department shall immediately take custody of a child delivered pursuant to this subsection and shall be vested with guardianship or partial guardianship of the child in accordance with the provisions of this section and §36-1-102.

(3) For purposes of this subsection, "safety officer" refers to a law enforcement officer under § 39-11-106(a)(21) or a firefighter under § 4-24-201(2).

(4) Any person authorized under this subsection to take possession of a child shall be entitled to the liability limitations provided in Section 63-6-218.

SECTION 5. Tennessee Code Annotated, Title 63, Chapter 1, is amended by adding the following as a new, appropriately designated section:

63-1-\_\_\_\_.

(a) Every person licensed to practice any branch of the healing arts in this state who, by virtue of such licensure and training is capable of rendering corrective action to life-threatening illness or injury, shall accept any child voluntarily delivered to the provider under § 36-1-111. The provider shall perform any act reasonably necessary to maintain and protect the health and well-being of the child. The provider shall immediately notify the department of children's services of the taking of possession of the child.

(b) The division of health related boards, department of health, and the boards of the respective branches of the healing arts are authorized to promulgate rules and regulations pursuant to the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, as necessary to effectuate the provisions of this section.

SECTION 6. Tennessee Code Annotated, Section 39-15-401, is amended by adding the following at the end of subsection (b)(1):

This section shall not be construed as applying to a parent solely based upon the parent's act of voluntarily delivering the child to an authorized person under § 36-1-111.

SECTION 7. Tennessee Code Annotated, Section 37-1-157, is amended by adding the following as a new, appropriately designated subsection:

(d) This section shall not be construed as applying to a parent solely based upon the parent's act of voluntarily delivering the child to an authorized person under § 36-1-111.

SECTION 8. This act shall take effect July 1, 2001, the public welfare requiring it.